

## **REMARKS/ARGUMENTS**

The outstanding Office Action rejects all claims 1-26 on various grounds and over two applied references (*Stern et al.* (USPN 5,344,496 hereinafter “*Stern*”) and the cited publication authored by *Terao et al.* (A Mirror-less Design for Micro-concentrator Modules, 2000, hereinafter “*Terao*”). Claims 1, 11, and 12 are amended. The various ground of rejections are discussed below. New Claims 27-29 are added. Claims 1-29 are now pending in this application.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-7, 10-18, and 20-26 stand rejected as anticipated by *Stern*. The applicants understand the rejection and the logic of the applied *Stern* reference. However, the applicants believe that the claimed invention and the cited art are fundamentally different and hope that the amendments made and the following discussion clearly illustrate the distinction.

Claims 1, 11, and 12 are amended herein and will be discussed in the following paragraphs. *Stern* is directed toward an invention having long strips of “longitudinally extending mirror elements” 12 having “off axis cylindric parabolic reflective surfaces” (cylindrical sections). The inventive embodiments taught in the specification are not cylindrical in nature. They comprise slices or sections of “bowl-shaped” surfaces. Thus, if used and arranged properly, they can concentrate more light than the cylindric section taught by the cited art. They are also exceedingly difficult to manufacture on the scale used by the inventors. As such they are structurally different and functionally superior to the elements taught in the prior art.

Claims 1-7, 10-18, and 20-26 have been subject to amendment which the inventors believe captures this distinction.

For example, Claim 1 now recites “a plurality of radiation reflectors each comprising an asymmetric portion of a parabolic or similarly shaped surface having a vertically and a longitudinally curved configuration, the plurality of radiation reflectors being serially arranged”. In contrast, the cited *Stern* reference is vertically curved in a parabolic configuration. However, it is also limited to a longitudinally straight configuration. This constrains the type and configuration of photovoltaic cells that can be employed.

The Applicants claim a bowl-shaped reflective section that is both “vertically and a longitudinally curved”. This defines a substantial difference between the cited art and the claimed invention. Accordingly, because the cited art fails to teach all claim elements of the claimed invention, the cited art does not establish a *prima facie* case for anticipation and is therefore insufficient to establish a rejection under 35 U.S.C. § 102. Therefore, the applicants respectfully request that this ground of rejection be withdrawn as to Claim 1 and the claims depending therefrom (Claims 2-10).

As to Claim 11 the following comments are relevant. Claim 11 is essentially unamended as all limitations of Claims 1, 2, & 10 upon which it depends. The applicants specifically point out that none of the cited art teach or suggest an “appendage for the mounting of a cell corresponding to an adjacent reflector”. The back element 26 of *Stern* is offered as such an appendage. The applicants respectfully disagree. Reference to *Stern* Figures 3 and 4 clearly show that the back element is a supporting ridge used to stiffen the reflective cylinder 16 (See, *Stern* at 4:8-12). There is no indication or suggestion that the element 26 is an appendage for supporting or securing the solar cell conversion element 22. An appendage is a foot or member and not the suggested adhesives or bonding offered in the action. Thus, quite simply the cited art does not teach a mounting appendage for mounting the photovoltaic cell. Accordingly, the cited art does not establish a *prima facie* case for anticipation and is therefore insufficient to establish a rejection under 35 U.S.C. § 102. Therefore, the applicants respectfully request that this ground of rejection be withdrawn as to Claim 11.

Claim 12 has been amended to recite a plurality of radiation reflectors “each radiation reflector comprising an asymmetric portion of a parabolic or similarly shaped surface arranged in a vertically and a longitudinally curved configuration”. Thus, similar to the discussion above with respect to Claims 1-10, the cited *Stern* reference is limited to a longitudinally straight configuration which is dissimilar from the claimed “vertically and a longitudinally curved” configuration. Again, this is a substantial difference between the cited art and the claimed invention. Accordingly, because the cited art fails to teach all claim elements of the claimed invention, the cited art does not establish a *prima facie* case for anticipation and is therefore insufficient to establish a rejection under 35 U.S.C. § 102. Therefore, the applicants respectfully request that this ground of rejection be withdrawn as to Claim 12 and the claims depending therefrom (Claims 13-26).

In summary, none of the cited art teaches all of the limitations recited in the amended claims. Accordingly, it is respectfully submitted that these grounds of rejection be withdrawn as to rejected Claims 1-26.

**Rejections Under 35 U.S.C. § 103**

Claims 8, 9, and 19 stand rejected under 35 U. S. C. §§ 103(a) as being unpatentable over *Stern* in view of *Terao*.

Applicants respectfully traverse this rejection as well. The rejections of the dependent claims incorporate secondary references as part of an obviousness rejection. However, it is respectfully submitted that the secondary references do not make up for the deficiencies in the primary reference and that therefore all of the outstanding rejections should be withdrawn. Specifically, applicants have already pointed out the deficiencies of the *Stern* reference as to base claims 1, 11, and 12. Nothing additional provided by the added cited portions of *Terao* teach or suggest “a vertically and a longitudinally curved configuration”. Absent this teaching the cited art fails to establish a prima facie case of obviousness as to the rejected Claims 8, 9, and 19. Therefore, the applicants respectfully submit that the cited reference is insufficient to establish that the claimed invention is obvious. Accordingly, applicants respectfully request that the pending ground of rejection for Claims 8, 9, and 19 be withdrawn.

**New Claims:**

Claim 27-29 has been added to specifically clarify certain patentable subject matter. Specifically, various reflector and photovoltaic element configurations are specifically claimed. Additionally, the underlying art is believed to be insufficient for the reasons discussed above with respect to the other claims.

**Conclusion:**

In view of the foregoing amendments and remarks, it is respectfully submitted that the claimed invention as presently presented is patentable over the art of record and that this case is now in condition for allowance.

Accordingly, the applicants request withdrawal of all pending rejections and request reconsideration of the pending application and prompt passage to issuance. As an aside, the applicants clarify that any lack of response to any of the issues raised by the Examiner is not an

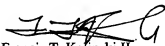
admission by the applicant as to the accuracy of the Examiner's assertions with respect to such issues. Accordingly, applicant's specifically reserve the right to respond to such issues at a later time during the prosecution of the present application, should such a need arise.

As always, the Examiner is cordially invited to telephone the applicants representative to discuss any matters pertaining to this case. Should the Examiner wish to contact the undersigned for any reason, the telephone numbers set out below can be used.

Additionally, if any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. No. 50-0388 (Order No. SPRCP012).

Respectfully submitted,

BEYER WEAVER LLP

A handwritten signature in black ink, appearing to read 'F. T. Kalinski II', is written over the printed name.

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